

Serial No.: 10/713,550
Amendment dated 01 December 2005
Reply to Office Action mailed 01 September 2005

REMARKS

This Patent Application has been reconsidered carefully in light of the Office Action dated as mailed on 01 September 2005. A careful reconsideration of the application by the Examiner in light of the foregoing amendments and the following remarks is respectfully requested.

There is no additional claim fee due for this Amendment because the total number of claims does not exceed the number of independent and dependent claims for which fees have previously been paid.

Request for Telephone Interview

Applicants' undersigned attorney requests a telephone interview with the Examiner to discuss the merits of this Patent Application. The undersigned requests this interview if the amendments and arguments are not deemed sufficient to place this Patent Application in condition for allowance. If the Examiner feels the claims are not allowable for any reason, then please telephone the undersigned, Kevin D. Erickson, at (847) 490-1400.

Amendments to the Claims

By the above Amendment, independent Claim 1 was amended to include the limitation that at least a portion of the label assembly is positionable in a

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gap formed between the first stripping member and the application area and a gap formed between the second stripping member and the application area.

Claims 20 and 21 were canceled.

Claims 1-13, 15-19 and 22-39 remain in the application.

Allowable Subject Matter

As a preliminary matter, the undersigned wishes to thank Examiner Purvis for the allowance of Claims 24-39.

Claims Rejection - 35 U.S.C. § 112

Claim 21 was rejected under 35 U.S.C. § 112, second paragraph, as being incomplete. Applicants have canceled Claim 21. Therefore, this rejection is moot.

Claims Rejection - 35 U.S.C. § 102(e)

Claims 1-3, 6, 15-20 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,543,508 to Koch (hereinafter "Koch"). This rejection is respectfully traversed, particularly in view of the above Amendment and the following remarks.

Koch discloses a compact disc labeling system having a generally circular flat shelf encircled by an outer side wall. The labeling system further includes a plurality of bendable or movable tabs formed in the outer side wall of the

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system and a central hub formed by a plurality of vertical tabs extending from the top surface of the flat shelf. To adhere a label to a compact disc using the system disclosed in Koch, a label is placed with its adhesive side exposed and facing upward directly on the flat shelf. Next, a compact disc is placed above the label, i.e., the bendable tabs in the outer side wall register the compact disc and hold it above the label prior to attachment. When the compact disc is pushed down to attach the label, the bendable tabs bend outwardly, and the compact disc is slid along the bendable tabs to attach the label. Finally, the compact disc is removed from the system with the label attached thereto.

Koch does not teach or disclose an apparatus for transferring at least one label portion from a label assembly onto an object, where at least a portion of the label assembly is positionable in a gap formed between the first stripping member and the application area and a gap formed between the second stripping member and the application area to position the at least one label portion on the base surface between the first stripping member and the second stripping member. Instead, Koch teaches a labeling system where the label is slid down the vertical tabs of the central hub and placed directly on the flat shelf of the system.

Thus, Koch does not teach or suggest each and every element or limitation of independent Claim 1, as required for a reference to anticipate a claim

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under 35 U.S.C. §102. Consequently, Applicants respectfully request withdrawal of this rejection and allowance of Claims 1-13, 15-19 and 22-39.

Conclusion

It is believed that the above Amendment places all pending claims in condition for allowance and notification to that effect is solicited. However, should the Examiner detect any remaining issue or have any question, the Examiner is kindly requested to contact the undersigned, preferably by telephone, in an effort to expedite examination of this Patent Application.

Respectfully submitted,

A handwritten signature in black ink that reads "Kevin D. Erickson". The signature is written in a cursive, slightly stylized font.

Kevin D. Erickson
Registration No. 38,736

Pauley Petersen & Erickson
2800 West Higgins Road
Suite 365
Hoffman Estates, Illinois 60195
TEL (847) 490-1400
FAX (847) 490-1403